IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 31/2002

MOHAMMAD HUSSAIN Vs. SMT. RAZIA & ORS.

Date of order: 08.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Ms. Anita Khandelwal for the petitioner.
Mr. Vipul Jaiman and
Mr. Azad Ahmed for the respondents.

****

This revision petition under Section 397 Cr.P.C. r/w Section 19(4) of the Family Court Act, 1986 is directed against the judgment dated 03.10.2001 passed by the Family Court No.1, Jaipur in Case No. 46/2000, whereby the application moved under Section 125 Cr.P.C. has been rejected so far as respondent No.1 Smt. Razia, the wife of the petitioner is concerned, but the same has been partly allowed so far as respondent Nos. 2 and 3, son and daughter of the petitioner is concerned and they have been granted maintenance of Rs. 400/- per month each from the date of filing of the application i.e. 09.03.2000 till they attain the age of majority.

I have heard rival submissions of the respective parties and have also gone through the impugned judgment dated 03.10.2001 passed by the Family Court No.1, Jaipur.

The Family Court has considered each and every aspect including the income of the petitioner-husband and has rightly granted maintenance of Rs. 400/- per month each in favour of the son and daughter of the petitioner, but so far as respondent No.1 Smt. Razia, the wife of the petitioner is concerned, the application under Section 125 Cr.P.C. has been rejected on the ground that the respondent-wife is living separately from her husband without any reason and she is able to maintain herself, therefore, she is not entitled to get the maintenance.

I find no illegality or error apparent on the face of the record in the impugned judgment dated 03.10.2001 passed by the Family Court No.1, Jaipur and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed. Record be sent back.

(K.S. RATHORE),J.

/KKC/